Supreme Court, U.S.
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NO: 93-1473

Supreme Court of the United States

October Term 1993

Raymond Ternes, Petitioner

v.

Karreen D. Bechard (f/k/a Ternes); Rosemarie Warren LeMoine, attorney; Jamie N. Johnson, deputy prosecuting attorney; Harry R. Slusher, family court commissioner; and The County of King of the State of Washington; Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Rosemarie Warren LeMoine
Attorney at Law
11000 Main Street
Bellevue, Washington 98004
(206) 462-0838

Mr. Ternes argues that child support, ordered by a state court in a divorce action, constitutes involuntary servitude and peonage. He questions the state's right to enforce its courts' child support orders.

Mr. Ternes filed a federal court action against his former wife, his former wife's attorney, Rosemarie Warren LeMoine, and the judges and the commissioners who have ordered him to pay child support. Even though he challenged a Washington statute, Mr. Ternes failed to name the state as a party. This is one of the many fatal flaws of his action. This was the second time Mr. Ternes filed a federal action against his former wife and her attorney. The first action was also dismissed. The District Court dismissed the action, as meritless and in violation of Civil Rule 11. Sanctions and attorney's fees were imposed. The Ninth Circuit Court of Appeals affirmed the lower court's decision.

Mr. Ternes admits that his "child support is involuntary servitude" argument has already

been rejected by the Ninth Circuit in two separate unpublished decisions. Mr. Ternes' child support obligation can be enforced by a civil contempt proceeding in which the court grants Mr. Ternes the ability to purge himself of the contempt finding by fulfilling certain conditions. Hicks v. Feiock, 185 U.S. 624, 56 LW 4347(1988), on remand, 263 Cal. Rptr. 437.

Mr. Ternes' argument that the state's enforcement of child support orders amounts to involuntary servitude and peonage is meritless. The state does not require that Mr. Ternes work; it only requires that he support his children. The obligation to support ones children is not unconstitutional; it does not constitute peonage or involuntary servitude. Mr. Ternes' request for certiorari should be denied. Sanctions and terms should be imposed against him for filing a request for certiorari which is based on such flimsy grounds and which the Federal Court has already rejected in two other cases. Ms. Bechard has incurred attorney's fees of $300.00 in responding to

this request for writ of certiorari. Mr. Ternes should be required to pay those fees.

Respectfully submitted April 25, 1994.

ROSEMARIE WARREN LeMOINE
Attorney for Rosemarie Warren LeMoine and Karreen Bechard
WSBA NO: 10675

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